BEFORE THE SUMMIT COUNTY

HUMAN RESOURCE COMMISSION

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IN RE: APPEAL OF DISCHARGE)
OF DAVID McCANN.) APPEAL No. 0601/0602

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Transcript of proceedings in the above-captioned matter, held before Lisa Miller, Hearing Officer, taken before me, the undersigned, Joyce L. Zingale, a Registered Professional Reporter and Notary Public in and for the State of Ohio, at the Ohio Building, Eighth Floor Conference Room, 175 South Main Street, Akron, Ohio, on Monday, the 10th day of July, 2006, at 9:00 o'clock, a.m.

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APPEARANCES:

On behalf of Summit County

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On behalf of David McCann:

(Pro Se.)

- - -

Also Present: Janis Corbin.

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P R O C E E D I N G S

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THE HEARING OFFICER: We're here today continuing the hearing on In Re: David McCann, Appeal No. 0601. In addition, after the -- I believe it was after the last time we were together, the Executive terminated the employee, and he appealed that for Appeal No. 0602. I'm combining both of those hearings into one. It's all the same evidence, the same issues.

So we're going to finish the Witnesses that are here and start on some of these Witnesses.

I understand that a Motion to Quash has been filed by the Assistant Attorney General, Todd Newkirk, quashing the Subpoena of -- I don't remember the name -- Investigator Hosom, H-o-s-o-m. And here is your response.

And just off the record for a second.

(Discussion had off record.)

THE HEARING OFFICER: I indicated that both Motions -- I have the Motion to Quash by the Attorney General. I have a written response by Dave McCann. He's requested to

present his response orally. I've denied that. I'm going read the Motions. We're going to go off the record.

(Discussion had off record.)

THE HEARING OFFICER: I've reviewed the Motion by Assistant Attorney General Todd Newkirk quashing the Subpoena for Investigator Hosom from the Ohio State Counselor Social Worker and Family Therapist Board. I've read the response by Dave McCann. The Subpoena, again, for the Investigator is quashed. She's not required to appear.

We'll go --

MR. McCANN: Objection. And I would like this to be noted, that the Hearing Officer spent exactly one minute in reviewing this information. And I would like to read for the record my response to the Deputy Attorney General.

THE HEARING OFFICER: Your request is denied. Your response is in the record.

MR. McCANN: All right. I would also like to make a notation. At the beginning of this hearing, manners are definitely lacking. I was seated out here. She said, "Let's go."

(Indicating)

I would like particular decorum, where I am addressed courteously throughout this process.

Now, I have noted on your door you have pictures from your children. We cannot divorce ourselves from what as human beings -- as courteous human beings would be expected in this hearing.

THE HEARING OFFICER: Are you --

MR. McCANN: I'm addressing the Hearing Officer.

THE HEARING OFFICER: I heard you.

MR. McCANN: Now, will we have decorum this morning, Counselor?

THE HEARING OFFICER: I don't have to answer that.

MR. McCANN: Courteousness?

THE HEARING OFFICER: Do you have a Witness to call?

MR. McCANN: Yes, I do.

Who is first on the docket?

MS. CORBIN: I'll go down and see who has signed in. And that's the way we're going to call them.

The Hearing Officer has approved a request from the Fiscal -- from Mary Margaret Rowlands from the Fiscal Office to allow the employees from the Fiscal Office to come in first.

(Recess taken.)

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MR. McCANN: I'd like to call a recess for a moment, please.

THE HEARING OFFICER: If the Witness could excuse us for a moment. Just walk back out the door.

MR. McCANN: And I would ask Counsel to please leave for a moment.

MS. BRIGGS: No.

THE HEARING OFFICER: No.

MR. McCANN: All right. Then I'll go on the record.

Your last response to me is setting the tone for this hearing. Now, if you want me to be equally as adversarial, I can. But I would prefer that the decorum of this hearing, you as an Officer of the Court, you who have had experience as Chair of the Ashland University Board of Trustees, I would expect a certain decorum.

Now, your last response to me was not acceptable. I simply asked a question: Will there be a courteousness to this hearing?

And you said, "I don't have to answer that."

Now, what is it to be, Counselor?

THE HEARING OFFICER: Dave, I don't have to answer your question. I don't have to act in any way that you prefer that I act. I will conduct this hearing fairly and impartially and in the manner that I see fit.

MR. McCANN: All right.

THE HEARING OFFICER: So we will call our first Witness.

MR. McCANN: Will there be a decorum?

THE HEARING OFFICER: Dave, I'm finished with that.

MR. McCANN: So courteousness is out?

THE HEARING OFFICER: I'm not answering.

Bring the next Witness in.

(Thereupon, Mr. Baumann entered the conference Room.)

MR. McCANN: Here is a Bible for this morning. (Indicating)

(Thereupon, the Witness was sworn in.)

MR. McCANN: Would you make a notation that Dave McCann brought in a Bible today, please, for proper swearing purposes?

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ANDREW BAUMANN

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Andy, thank you so much for coming this morning.

A My pleasure.

Q First I'd like to read a section from the Ohio Revised Code. It's Section 2921 --

THE HEARING OFFICER: Let me just stop you a second.

I don't know who you are. I need your name and where you work and your job.

THE WITNESS: Andrew Baumann.

THE HEARING OFFICER: Can you spell your last name?

THE WITNESS: B-a-u-m-a-n-n. I work in the Fiscal Office. And I am a member of the Financial Reporting Team --

THE HEARING OFFICER: Okay. And that --

THE WITNESS: -- for the CAFR.

THE HEARING OFFICER: Okay. And that's the reports that the Fiscal Office prepares for the State?

THE WITNESS: The annual report, yeah, for

the Government, yeah.

THE HEARING OFFICER: Great. Thank you.

MR. McCANN: And CAFR is Comprehensive Annual Financial Report.

THE WITNESS: Yeah.

By Mr. McCann:

Q I'd like to read from Ohio Revised Code Section 2921.03. And it says, "No person knowingly and by force or by unlawful threat or harm to any person or property shall attempt to influence, intimidate or hinder a public servant, a party official or an attorney or witness involved in a civil action or proceeding in the discharge of the duties of the public servant, party official, Attorney or Witness."

Have you been influenced, intimidated or hindered for your appearance here?

A No.

Q Thank you.

Very quickly, Andy, did I courteously work with you on all facets of the inventory where there was a requirement to monitor the purchase and disposal of all equipment?

A Yes.

MS. BRIGGS: Objection. This is

irrelevant to why we're here.

MR. McCANN: I'd like to respond. In one of Counselor Briggs' Exhibits it states specifically by the Ease At Work people that there were work performance issues, for me to see a psychiatrist, a medical doctor whose specialty is psychiatry. We're going to address these work performance issues. We are going to address all of the issues that have been referred on the anger management form.

And I would also note to the Honorable Counsel, in the 18 years that I worked here, I worked 37,440 hours. And the two days that we will be here, which is 16 hours, is .5996 percent of the 18 years that I worked here.

The issues that I bring up are very important. They go to the heart of the matter as to why I was dismissed. The Ease At Work personnel said that work performance issues were to be addressed, and I hope to dispel that.

THE HEARING OFFICER: I believe that the reason for the termination was failure to comply with the recommendation of a counselor

from the EAP.

MR. McCANN: Which was that I see a doctor whose specialty is psychiatry.

THE HEARING OFFICER: Correct.

MR. McCANN: And that evolves from anger management issues that originally started with anger management issues evolving from a report on the EAP form, which was an Exhibit provided by the Honorable Counselor, that work performance issues were involved.

THE HEARING OFFICER: If I recall, the work -- the referral to the EAP was due to some confrontation you had with Brian Nelson. That was his testimony.

MR. McCANN: Yes. And the insubordination -- the alleged insubordination for not seeing a medical doctor whose specialty is psychiatry. And I have the Exhibit here, if you'd like to see it again, deals with work performance issue.

THE HEARING OFFICER: Right. I believe the work performance issue referred to was the issue you had with Brian Nelson.

MR. McCANN: Issues. Issues, Counselor. Issues, plural.

THE HEARING OFFICER: Well, the issue before this Hearing Officer is your insubordination, not your work performance issues.

MR. McCANN: Yes. Obviously.

Shall we go through it?

Shall I read the EAP?

I'll be happy to. Which was an Exhibit. Just bear with me a moment.

MR. McCANN: Management Supervisor Report. This came to Michelle Smith on March 2. Employee attended session with EAP counselor. The counselor has recommended that the employee receive a psychiatric evaluation as part of this comprehensive assessment. EAP counselor will assist employee in locating a psychiatrist within his health plan.

Following the report from the psychiatrist and any recommendations that accompany it, the EAP counselor will complete the treatment plan for this management referral. This will include continuing to see the EAP counselor individually to assist in improving work performance issues, plural.

THE HEARING OFFICER: Now, if you go back

to Exhibit C, attached to Exhibit J at the hearing -- is this your Exhibit J?

Are you letters?

MS. BRIGGS: Exhibit C is the initial Ease At Work referral form.

THE HEARING OFFICER: I don't know what Exhibit -- Janis, do you have the Exhibits from the hearing?

I don't have those with the stickers on them.

MS. CORBIN: They're not in that file there?

MS. BRIGGS: For the record, I'd just like to state the County's position in that this testimony is irrelevant because the work performance issues that are being referred to are work performance issues with Mr. McCann's Supervisor, not other employees outside of his department. And he was not terminated for work performance issues related to people that he worked with outside of his department. The work performance issues were with his Supervisor and within his department of Budget Management.

THE HEARING OFFICER: Right. If you look

at Exhibit C, it says, "Please describe the job performance issue that precipitated this referral." "On February 8, David became angered over my questioning," and this is I think Brian Nelson or Linda, I'm not sure.

MS. BRIGGS: Yes, Brian Nelson testified previously that he's the one who filled out this form.

MR. McCANN: I would also note, however, Brian Nelson did not sign off either on my 30-day termination or my permanent termination notice.

THE HEARING OFFICER: I'm going to continue.

"On February 8, David became angered over my questioning of his handling of a job assignment and my subsequent direction of his activity. He subsequently appeared in the hallway outside the Director's secretary's office yelling and creating a disturbance that affected the entire office. David has ignored offers of assistance with his workload, has waited until he is overwhelmed and loses his temper. He does not communicate with other employees or management."

And then, "Has this been a recurring problem," it says, "Yes. Approximately three days ago David lost his temper with the Director of Finance and Budget."

So the work performance issue or issues is your loss of your temper one time, and then this other issue when you -- it says you lost your temper other times. Those are the work performance issues that were referred to the EAP.

MR. McCANN: Continue on.

What's the third one say?

THE HEARING OFFICER: There isn't a third one.

MR. McCANN: Yes, there is.

THE HEARING OFFICER: Not on this sheet.

Oh, "A few months ago David also had an exchange with the Director of Communications regarding computer software."

MR. McCANN: Okay. And the second one refers to my not communicating with employees, correct?

Are specific employees mentioned there?

No.

MS. BRIGGS: But that's not the reason

that he was terminated, so I still am going to object to this line of questioning.

MR. McCANN: Would you like to take a recess?

THE HEARING OFFICER: I don't need a recess.

Did you need a recess?

MR. McCANN: No, I don't. But I'm going to continue on if you'll bear with me a moment then, please.

MS. BRIGGS: There's an objection pending.

MR. McCANN: I understand. And it deals with the objection.

THE HEARING OFFICER: You have more information that deals with her objection?

MR. McCANN: Yes, I do.

THE HEARING OFFICER: Okay. Go ahead.

For your review, there are three items there that were part of the Exhibits. The first one from Mr. Blevins deals with that, I was referred for anger management issues. The second one refers to work performance issues. So obviously there was a change in attitude between my first and second.

We're dealing with work performance issues

this morning, hence my asking for a Subpoena from individuals who I worked with to demonstrate quite thoroughly that, "A," I communicated effectively and courteously with employees throughout the County. "B," that I communicated with management effectively and courteously throughout the County. And, "C," to dispel any question that work performance issues are involved here.

THE HEARING OFFICER: All right. I will allow you to call any Witness that was involved in any of the anger issues, the one with Brian Nelson, the one with Linda Sowa or the one with the Director of Communications, whoever that may be. But we are not going to call every employee that you've ever worked with.

MR. McCANN: So you're just denying me the right to a redress of grievances; is that correct?

THE HEARING OFFICER: No. I'm denying your ability to call 65 Witnesses who have no knowledge of this issue that precipitated your referral.

MR. McCANN: Counselor, the issue is right

there. It says I failed to communicate with employees and management.

THE HEARING OFFICER: Well, if you want to bring management in and talk to them about your inability to communicate with them, you are free to do so.

MR. McCANN: But no employees?

THE HEARING OFFICER: Well, they are employees. But if there's an employee who specifically knows about this reason for your referral, you may call them.

MR. McCANN: One of the reasons I was referred to anger management, it says right there, he does not communicate with employees --

THE HEARING OFFICER: I'll give you a suggestion.

Why don't you call Linda Phelps, the Director of Communications, whoever that is, I don't know, and Brian Nelson, and you can question them all you want about your communication abilities?

If they refer to some employee that you were unable to communicate with, you can call that employee.

MR. McCANN: I don't accept that.

THE HEARING OFFICER: Well, that's the ruling.

MR. McCANN: So you and the Executive's office have reached this conclusion?

THE HEARING OFFICER: Absolutely not.

MR. McCANN: You have not been in communication with the Executive's office?

THE HEARING OFFICER: With whom in the Executive's office?

MR. McCANN: Members of the Law Department.

THE HEARING OFFICER: Oh, yes, I have spoken to Kasie.

MR. McCANN: Is that appropriate?

THE HEARING OFFICER: Yes. I've spoken to you.

MR. McCANN: When have you spoken to me?

THE HEARING OFFICER: When I see you in the office.

MR. McCANN: Let's see, last week it was, "Have you been helped?"

And this morning it was, "Let's get going."

THE HEARING OFFICER: Right.

MR. McCANN: That's speaking to me?

THE HEARING OFFICER: Yes.

MR. McCANN: Professionally?

THE HEARING OFFICER: Yes.

MR. McCANN: So you're going to deny me a redress of grievances here to address the issues that have gone on in terms of my being terminated from County employment because, "A," my inability to communicate with employees and management, which it says quite specifically there, and questions regarding my work performance, which there is a sudden change from what happened here, my initial referral for anger management, and suddenly it becomes work performance issues?

THE HEARING OFFICER: I will allow you to call the Director of Budget and Finance, and Brian Nelson, and the Director of Communications. If any of them can tell you who the people are you failed to communicate with, you can certainly call them.

MR. McCANN: So all my other Witnesses that would certainly not provide -- or would provide contrary information will not be accepted?

THE HEARING OFFICER: Let me ask you just a second.

You're Andy?

THE WITNESS: Yes.

THE HEARING OFFICER: Andy, do you have any knowledge of this incident that took place between Linda Sowa -- or Linda Phelps and David McCann?

Other than gossip, you don't have any firsthand knowledge; is that fair?

THE WITNESS: Unfortunately other than being in the newspaper, no.

THE HEARING OFFICER: Okay. Do you have any knowledge of him having some sort of -- one second -- losing his -- well, that was -- approximately three years ago he lost his temper with the Director of Finance and Budget, do you have any knowledge of that?

THE WITNESS: No.

THE HEARING OFFICER: Do you have any knowledge of a few months ago he had an exchange with the Director of Communications regarding computer software?

THE WITNESS: No.

THE HEARING OFFICER: You don't have any

knowledge of that?

THE WITNESS: Not other than, again, the newspapers, the media.

THE HEARING OFFICER: All right. You're excused at this time.

THE WITNESS: Okay.

THE HEARING OFFICER: I assume you'll be at work for the next few days.

THE WITNESS: Yes.

THE HEARING OFFICER: If we need you, we'll recall you.

THE WITNESS: All right.

THE HEARING OFFICER: Thank you.

MR. McCANN: Before you rule on your Motion, will I at least have the privilege of reading a final statement, as you are closing this up for me?

THE HEARING OFFICER: I am not closing it up.

MR. McCANN: I have no intention of calling the Director of Finance and Budget. I have no intention of calling the Director of Communications. And I have no intention of calling Brian Nelson.

THE HEARING OFFICER: Okay. You're not

going to call the people who were referred to in your EAP referral?

MR. McCANN: Yes, I will call them. But as far as --

THE HEARING OFFICER: Right. But that was the Director of Communications, the Director of Finance and Budget, and Brian Nelson.

MR. McCANN: No. The people in my Subpoena, in terms of Fred Blevins and Deb Hershfield, I would like to call.

THE HEARING OFFICER: Okay. Well, that's certainly your choice, not to call the people who were referenced in the EAP referral.

MR. McCANN: So you are denying me the right to have these individuals come and testify?

THE HEARING OFFICER: If any of those people have knowledge of the incident for why you are being terminated, they are certainly welcome to come.

MR. McCANN: Okay. So we need to define that.

Do work performance issues apply?

THE HEARING OFFICER: That's not what the referral says, Dave. It says you last your

temper --

MR. McCANN: If you'll look again -- and I'll be happy to reread it.

THE HEARING OFFICER: Dave, you may call any Witness --

MR. McCANN: It's your choice, Counselor. I'm just asking. If you're going to move in favor of Kasie, to deny me the right to ask these Witnesses to come in to testify dealing with work performance issues, number one, which is stated right there, I would not see a psychiatrist to deal with work performance issues, plural, and, secondly, that I did not communicate with employees and management, that's your choice. And I would ask just one thing, though, that I be allowed to read my statement before you rule on that.

THE HEARING OFFICER: But I'm curious. It says, "He does not communicate with other employees or management," and you refuse to call management.

MR. McCANN: Oh, I do. I have management that's going to be called.

THE HEARING OFFICER: No. Your management.

MR. McCANN: Oh, good heavens, not those people.

THE HEARING OFFICER: Right. The people with knowledge about this referral.

MR. McCANN: People that would have knowledge of the circumstances of the referral.

THE HEARING OFFICER: But you refuse to call your Supervisors and the people who were the subject of the referral.

MR. McCANN: No, I have no intention of doing that.

THE HEARING OFFICER: You're refusing to call them?

MR. McCANN: Yes, I am.

THE HEARING OFFICER: Okay.

MS. BRIGGS: If I could say something. I understand what Mr. McCann is saying about the portion of the referral form that says he does not communicate with other employees or management, and I think that's where he's wanting to bring in these other employees that he's worked with throughout his career here to talk about his work performance and his work relationships with those other people.

However, I think from the testimony of Mr. Nelson, we can see that this statement has to do with his communication with employees and management within his own department, none of which have been called as Witnesses for this hearing.

MR. McCANN: I have nothing further to comment other than if you are going to rule in favor of Ms. Briggs, that I have the opportunity to read my statement.

THE HEARING OFFICER: All right. Can I have five minutes?

MR. McCANN: Certainly.

(Recess taken.)

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THE HEARING OFFICER: We're back on the record.

Dave, I'll allow you to call your Witnesses, all of them, but they better be short and to the point. You're not going to recite the Revised Code Chapter 29 perjury for every Witness. They know that. That's why they're sworn in.

MR. McCANN: I'll accept that.

THE HEARING OFFICER: Let's go.

Did you want to note an objection?

MS. BRIGGS: Yes. I was going to note an objection or at least let the Witnesses know that they're not required to swear in on a Bible if they're not so comfortable with that.

THE HEARING OFFICER: Go ahead.

MR. McCANN: I'll accept that, but I would like to make the offer, please.

- - -

RYAN WATSON

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you please state your name?

A My name is Ryan Watson.

Q And your position, please?

A Network Administrator, Fiscal Office, MIS.

Q Thank you, Ryan.

Very quickly, are you familiar with the German company Haage & Company Software?

A I am.

Q I worked very closely with you to ensure the purchase of this much needed software; is that correct?

A Correct.

Q And were all communications done courteously with you?

A Absolutely.

Q Was it up to Mr. McCann to ensure the accuracy of the transaction by the calculation of their euros to our dollars?

A As far as I know, yes.

MR. McCANN: Okay. That's all I have.

Thank you.

THE WITNESS: Is that it?

MS. BRIGGS: No. I have the opportunity to ask you a couple questions.

THE WITNESS: Sorry.

MS. BRIGGS: No. That's fine.

- - -

By Ms. Briggs:

Q Do you have any knowledge of an incident that happened between Mr. McCann and his Supervisors recently?

A No. I heard some of the stuff. People said it was in the papers, but I --

Q You don't have any personal knowledge?

A No. I live in Wooster. I don't even read the papers up here very often.

Q And you don't work directly in the Budget Management office?

A No.

Q Have you ever been referred for anger management with work?

A No.

Q No. If you did, do you think you would follow up on what was recommended of you?

MR. McCANN: That's speculation.

Objection.

THE HEARING OFFICER: Overruled.

A I imagine I probably would. It depends on what the situation was.

By Ms. Briggs:

Q Do you think you'd quit your job if you didn't want to follow up with those things, and you were required to?

A Depending on if --

MR. McCANN: Again, Counselor, that's speculation.

THE HEARING OFFICER: Overruled.

A I imagine I would -- it would depend on the job and what the situation was. I might.

Q That's fair.

MS. BRIGGS: Okay. I don't have any further questions.

THE HEARING OFFICER: That's it. Thanks.

THE WITNESS: Thank you.

MS. CORBIN: Mr. Price is next.

THE HEARING OFFICER: Oh, you know what, let me just do one thing.

Dave, you Subpoenaed Janis, and she's going to testify now because she sits through this thing, and I don't want you to have to --

so, Janis, just have a seat.

- - -

JANIS CORBIN

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you state your name, please?

A Janis Corbin.

Q And you work with?

A The Human Resources Commission.

Q One question only, Janis.

Did I courteously work with you on all aspects of purchasing and disposal of inventory?

A Yes, you have.

MR. McCANN: That's all.

MS. BRIGGS: Hold on.

- - -

By Ms. Briggs:

Q You don't work directly in the Budget Management Department, do you?

A No, I do not.

Q You don't work directly with Dave McCann, nor did you ever?

A No, I do not.

Q You don't have any knowledge of an incident that occurred between him and his Supervisor?

A No, I do not.
Q You don't have any knowledge of his working relationship with his immediate Supervisor?
A No.
Q Have you ever been referred to anger management related to your employment?
A No.
Q If you did, do you think you would follow up with what was recommended of you?

MR. McCANN: Objection.

THE HEARING OFFICER: Overruled.

A Well, I must say, as -- I must say, I also would probably have to consider the entire circumstance and what took place in my own personal -- if that should happen, in my own personal experience.

MS. BRIGGS: Okay. Nothing further.

THE HEARING OFFICER: Okay. Great. Call the next Witness.

Janis, are you going to go down and get the next group?

MS. CORBIN: I'm going to send in Mr. Price. And then while he's in here, I can go down and get the next four.

- - -

JAMES PRICE

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you please state your name?

A Yes. James Price.

Q And where do you work?

A Summit County Fiscal Office, MIS Department.

Q Thank you, James.

One question only.

Did I courteously communicate and assist in getting computer systems ready for your servicing?

A Yes.

Q And did I also ensure that they were properly tagged for inventory purposes, and ensure that appropriate software was purchased?

A Yes.

MR. McCANN: That's all.

Counselor.

- - -

By Ms. Briggs:

Q Mr. Price, you don't have any direct or personal knowledge regarding Mr. McCann's relationship with his immediate Supervisor, do you?

A No.
Q You don't have any personal information about any incidents that occurred between him and his immediate Supervisor or the Director of Budget and Finance?
A No.
Q Have you ever been referred to anger management for work-related purposes?
A No.
Q If you were, do you think you would follow up on what was recommended of you?
MR. McCANN: Objection.
THE HEARING OFFICER: Overruled.
Go ahead.
A Okay. Could you state the question again?
By Ms. Briggs:
Q Sure. If you were referred to anger management, would you follow up with what was recommended for you to do?
A Recommended, probably. Yes.
MS. BRIGGS: Okay. Thank you. I don't have anything further.
THE HEARING OFFICER: That's it.
THE WITNESS: Okay.
- - -

JUNE GAREY

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you please state your name?

A June Garey.

Q Okay. And where do you work, June?

A Summit County Fiscal Office, MIS Department.

Q It's the end of fiscal year 2004, and there's suddenly a requirement for the purchase of a backup electrical system.

So in calling me, did I courteously handle the situation of creating the bid specifications and fielding the project through the County's review to its end?

A Yes.

MR. McCANN: That's all I have.

- - -

By Ms. Briggs:

Q June, you don't have any personal knowledge of any incidents between Mr. McCann and his Supervisor, Brian Nelson, do you?

A No.

Q Have you ever been referred to anger management

related to your employment?

A No.

Q If you were do you think you would follow up on the recommendations that were made related to that?

A Yes.

MS. BRIGGS: Okay. Thanks.

THE HEARING OFFICER: That's it. Thank you.

MS. BRIGGS: That's it.

MR. McCANN: Just one comment, if I may, and for notation, I do not take Brian Nelson as my Supervisor, as he did not sign off on my termination notice, 30-day unpaid administrative leave, as well as my termination notice.

THE HEARING OFFICER: Okay.

- - -

RANDY SKEEN

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you state your name, please?

A Randy Skeen.

Q And your position, please?

A Assistant Director of Administration for the Fiscal Office, Personnel Department.

Q Thank you, Randy.

Just one question. Before coming to the Fiscal Office, you worked as the Director of Office Services.

Both in your capacity in the Fiscal Office and in your capacity as the Director of Office Services, did I courteously communicate with you and provide information in a timely fashion?

A At all times.

MR. McCANN: Counselor.

THE WITNESS: Yes, at all times.

- - -

By Ms. Briggs:

Q Do you have any personal knowledge of Mr. McCann's relationship with Brian Nelson or Linda Phelps?

A No.
Q Do you have any personal knowledge of incidents that occurred between Mr. McCann and Mr. Nelson earlier this year?
A No.
Q Have you ever been referred to anger management related to your employment?
A No.
Q If you were, do you think you would follow up with recommendations that were made for you?
MR. McCANN: Objection.
THE HEARING OFFICER: Overruled.
A I guess that would depend if I felt that I had an anger problem and it was justified in being referred to or if I felt that the people that were referring me were doing it to cover their own asses and taking what is a good person and selling their reputation.
By Ms. Briggs:
Q Okay. Do you think you'd quit your job before you'd go through with the recommendations?
A I think I'd have to be put in that situation and evaluate my principles at that given time before I could make that determination. But, you know, I think it takes a lot courage to do that.
MS. BRIGGS: Okay. Thank you. That's

all.

MR. McCANN: Thank you, Randy.

- - -

DEBORAH CUMMINS

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you state your name, please?

A Deborah Cummins.

Q Thank you for coming this morning.

Your position with the Fiscal Office?

A I'm an Office Manager in the Personnel Department.

Q Thank you. One question only.

Did Mr. McCann courteously communicate and follow up on your questions and concerns regarding the handling of surplus items, such as filing cabinets, Diebold safes, and moving of computer monitors?

A Yes.

MR. McCANN: Counselor.

- - -

By Ms. Briggs:

Q Do you have any personal knowledge of Mr. McCann's relationship with his Supervisors, Mr. Nelson and Ms. Phelps?

A No.

Q Do you have any personal knowledge of any incidents

that occurred earlier this year between Mr. McCann and Mr. Nelson and Ms. Phelps?

A Only what I read in the paper.

Q Have you ever been referred to anger management related to your employment?

A No.

Q If you were, do you think you would follow up on the recommendations that were made for you?

MR. McCANN: Objection.

THE HEARING OFFICER: Overruled.

A Yeah.

MS. BRIGGS: Thank you. That's all.

- - -

RICHARD STRAIN

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you state your name, please?

A Richard Strain.

Q And your position?

A MIS Director for the Summit County Fiscal Office.

Q Thank you, Rich. Just a few questions here.

Did I courteously communicate and follow up on all projects affecting MIS?

A Yes.

Q Those projects included printer maintenance, generator backup, computer surplus declarations and donations.

Was I a particular stickler to ensure that there was correct licensure for computers?

A Yes.

Q Were certain Directors in the Ohio Building adverse to purchasing required software for their computers?

A Yes.

MR. McCANN: That's all.

Counselor.

- - -

By Ms. Briggs:
Q You don't have any personal knowledge of any incidents that occurred between Mr. McCann and his Supervisors, Mr. Nelson and Ms. Phelps, do you?
A No, I don't.
Q Have you ever been referred to anger management related to your employment?
A No, I haven't.
Q If you were, do you think you would follow up on recommendations that were made for you?
MR. McCANN: Objection.
THE HEARING OFFICER: Overruled.
A I guess it would depend on the circumstance.
By Ms. Briggs:
Q Okay. Do you think you would quit your job before you'd follow up with recommendations that were made for you?
A It depends on the circumstance. I really can't answer unless it's an actual situation.
MS. BRIGGS: Okay. Thank you.
THE HEARING OFFICER: I have a question.
What was your second question?
Could you repeat that?
MR. McCANN: Were certain Directors in the Ohio Building adverse to purchasing required

software for their computers.

THE HEARING OFFICER: And you said?

THE WITNESS: Yes.

THE HEARING OFFICER: What does that mean?

THE WITNESS: They didn't want to spend the money on the licensing. They felt it -- I don't know how they determined where we got the software licensing from, but --

THE HEARING OFFICER: Okay. Thank you. That's it.

- - -

CHARLES SPITALI

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you please state your name?

A Charles Victor Spitali.

Q And the last name is spelled, please?

A S-p-i-t-a-l-i.

Q One real quick question here, Chuck. Actually, it's with a semicolon.

Did I communicate courteously with you in the upgrade of your computers and ensuring that your inventory was up to date?

A Yes.

MR. McCANN: Counselor.

- - -

By Ms. Briggs:

Q You don't have any personal knowledge of any incidents that occurred earlier this year between Mr. McCann and Mr. Nelson and Ms. Phelps, do you?

A No.

Q Okay. Have you ever been referred to anger management related to your employment?

A No.

Q If you were so referred, do you think you would follow up on any recommendations that were made for you?

MR. McCANN: Objection.

THE HEARING OFFICER: Overruled.

A Yes.

MS. BRIGGS: Thank you. That's all.

- - -

KEN KNODEL

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you state your name, please?

A Ken Knodel.

Q And your position, please?

A Oversee the Weatherization in the Rehab Department in the Department of Development.

THE HEARING OFFICER: Sir, could you spell your last name, please?

THE WITNESS: K-n-o-d-e-l.

THE HEARING OFFICER: Thank you.

By Mr. McCann:

Q We worked closely on a number of projects, such as computer acquisition, software acquisition, HWAP, acute equipment acquisitions and maintenance and finding satisfactory pricing for the reinstallation of office cubicles.

Did I courteously and timely communicate project status to you?

A Yes.

MR. McCANN: That's all.

Counselor.

By Ms. Briggs:

Q You don't have any personal knowledge of any incidents that occurred between Mr. McCann and his Supervisors, Mr. Nelson and Ms. Phelps, do you?

A Not that I'm aware of.

Q Okay. Have you ever been referred to anger management related to your employment?

A No.

Q If you were so referred, would you follow up on recommendations that were made for you?

MR. McCANN: Objection.

THE HEARING OFFICER: Overruled.

Go ahead.

A Yes.

MS. BRIGGS: Okay. Thanks. That's it.

- - -

DAVID W. HICKMAN

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you please state your name?

A David W. Hickman.

Q And your position, please?

A Administrator for Office Services.

Q Did I communicate courteously with you on all facets of office services, to include mail presort specifications, evaluation of color copiers, paper inventory, and following the status of leases?

A Yes.

Q You served as Director of Purchasing between 1999 and 2002; is that correct?

A That's correct.

Q You started centralized purchasing as a result of a charter amendment being approved by voters?

A That's correct.

Q Was that a challenging undertaking?

A Yes, it was.

Q You brought me on board in July of 1999.

Did I attempt a courteous outreach program with all offices and agencies, talking to all levels

to get their buy-in to the notion of what you wanted to accomplish?

A Yes, sir, very successfully, too.

Q Did you recommend Mr. McCann for the Highpoint Award in 2000?

A Yes, I did.

Q Did you recommend Mr. McCann's participation in the Ohio Certified Public Management Program?

A Yes, I did.

Q And why did you do that?

A Because it was a very challenging program that was offered to people in Summit County to learn more about the workings of local government. You were the ideal candidate for it. I saw the benefits to our office. Your communicative skills were beyond anybody else's that we had down there who could effectively go through the program. And I thought it would be a real challenge to you, and be a very important asset for us in the office.

Q Did Nancy Wilson coordinate the recruitment for the program?

A Yes, she did.

Q One final question.

If there were philosophical differences on purchasing issues, do you feel you had any recourse

to communicating your concern?
A No, never.
MR. McCANN: Nothing further.
- - -
By Ms. Briggs:
Q Do you have any personal knowledge of any incidents that occurred earlier this year between Mr. McCann and his Supervisors, Mr. Nelson and Ms. Phelps?
A No, I don't.
Q Have you ever been referred to anger management related to your employment?
A Me?
Q Yes.
A No, I have not.
Q Okay. If you did, do you think you would follow up on recommendations that were made for you?
MR. McCANN: Objection.
THE HEARING OFFICER: Overruled.
Go ahead.
A Oh, I don't know. I don't often get angry. If I do, it's not here.
THE HEARING OFFICER: Can I ask a question?
Were you his Supervisor?
Were you Dave's Supervisor?

THE WITNESS: In the Purchasing Office, that's correct.

THE HEARING OFFICER: Okay. And then at some point you two were no longer in the same office?

THE WITNESS: That's correct.

THE HEARING OFFICER: Because Dave was moved to a different office?

THE WITNESS: I was.

THE HEARING OFFICER: You were.

THE WITNESS: I was running the Purchasing Department, as well as Office Services for a couple of years from 2000 to 2002. And then Miss Sowa thought that it would be best for me to just run one office.

THE HEARING OFFICER: Okay. So they were separated at some point?

THE WITNESS: We were -- no, the offices weren't separated. I was separated from the duty.

THE HEARING OFFICER: Oh, okay. So the duties were taken -- two people assumed the duties that you had at one time both?

THE WITNESS: Yes.

THE HEARING OFFICER: Okay. Thank you.

That's it.

THE WITNESS: Okay.

- - -

HELEN LLOYD

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you state your name, please?

A Helen Lloyd.

Q And your position?

A Fiscal Officer 3.

Q Thank you, Helen.

Just one question. At the beginning of the year you were asked to purchase Dell computers and software.

Did I courteously assist you in making those purchases required for Finance and Budget?

A Yes.

MR. McCANN: Thank you.

Counselor.

- - -

By Ms. Briggs:

Q Do you have any personal knowledge of the incidents that occurred between Mr. McCann and his Supervisors, Mr. Nelson and Ms. Phelps?

A I do not.

Q Have you ever been referred for anger management

related to your employment?
A Have I?
Q Yes.
A No.
Q If you were so referred, do you think you would follow up on the recommendations that were made for you?
MR. McCANN: Objection.
THE HEARING OFFICER: Overruled.
Go ahead.
A Could you repeat the question, please?
By Ms. Briggs:
Q Sure. If you were referred for anger management related to your employment, would you follow up on any recommendations that were made for you related to that referral?
A I don't know. It would depend on the circumstances and what was going on.
MS. BRIGGS: Thank you.
THE HEARING OFFICER: That's it.
MR. McCANN: Thank you, Helen.

- - -

ROSE M. REITZ

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you please state your name and spell your last name, please?

A Rose M. Reitz, R-e-i-t-z.

Q Thank you, Rose. Just a couple of questions.

Did I courteously communicate with you on all requirements for the Law Department?

A Yes.

Q Did I effectively complete purchasing tasks for the Law Department to include computer purchases, computer licenses, replacement of palm pilots, and delivery of Dell Axim systems?

A Yes.

MR. McCANN: Thank you.

Counselor.

- - -

By Ms. Briggs:

Q Do you have any personal knowledge of any incidents that occurred between Mr. McCann and his Supervisors, Mr. Nelson and Ms. Phelps, this year?

A No.

Q Have you ever been referred to anger management related to your employment?
A No.
Q If you did -- if you were so referred, do you think you would follow up on recommendations that were made for you?
A I don't know.
MR. McCANN: Objection.
THE WITNESS: Oh, sorry.
THE HEARING OFFICER: Overruled.
Go ahead.
THE WITNESS: I don't know.
By Ms. Briggs:
Q Do you think you would quit your job rather than follow up with recommendations that were made for you?
A I don't know.
MS. BRIGGS: Nothing further.
THE HEARING OFFICER: Thank you.
- - -

ROBERT SCARLATELLI

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you state your name, please, and spell your last name?

A Robert Scarlatelli, S-c-a-r-l-a-t-e-l-l-i.

Q Just a couple things here, Bob.

Coming from the City of Akron, you are considered -- and this is in all sincerity -- quite an expert in telecommunications, and I've appreciated working with you.

My first question is, did I courteously provide you with the help you needed to complete competitive bidding packages for cellular, pagers and wireless transmitters?

A Yes, you did.

Q One area of concern, Bob, deals with the Reverse 911 Program.

Did it seem peculiar to you that the County should go from a Request For Information, which is called and RFI, directly to a signed contract without a competitive bidding process?

MS. BRIGGS: Objection. Irrelevant.

THE HEARING OFFICER: Go ahead and answer.
In your opinion.
A Could you state that question again?
By Mr. McCann:
Q Yes. One area of concern deals with the Reverse 911 Program.
Did it seem peculiar to you that the County should go from an RFI, which is a Request For Information, directly to a signed contract without a competitive bidding process?
A No.
MR. McCANN: Nothing further.
- - -
By Ms. Briggs:
Q Bob, do you have any personal knowledge of incidents that occurred between Mr. McCann and his Supervisors, Mr. Nelson and Ms. Phelps, this year?
A Nothing more than what I've read in the newspaper.
Q Okay. Have you ever been referred to anger management related to your employment?
A No.
Q If you were so referred, do you think you would follow up on recommendations that were made for you?
MR. McCANN: Objection.
THE HEARING OFFICER: Overruled.

You may answer.

A That's a difficult question to answer. State that question one more time, please.

By Ms. Briggs:

Q Sure. If you were referred to anger management related to your employment, would you follow the recommendations that were made for you related to that referral?

A Most likely.

MS. BRIGGS: Thank you. That's it.

- - -

DONALD L. MITTIGA

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you state your name, please, and spell your last name?

A Donald L. Mittiga, M-i-t-t-i-g-a.

Q Did I courteously communicate with you in answering questions that date with -- that dealt with prevailing wage issues, that go back to the County Courthouse sound system, the access control for the Fiscal Office and the Liebert backup generator system for the Fiscal Office?

A I mean, I can't recall.

Q Well, the question is, did I courteously communicate with you regarding --

A I can't recall if it was courteous or not.

Q You don't know?

A I can't recall.

Q And why can't you recall?

A Well, because that doesn't -- that incident doesn't strike an instance in my mind.

THE HEARING OFFICER: That's his answer.

By Mr. McCann:
Q Does the company Horizon behavioral have any significance to you?
A They were a contracted company prior to our current one.
Q And the current one is?
A Ease At Work.
MR. McCANN: I have no further questions.
- - -
By Ms. Briggs:
Q Bob, do you have any personal knowledge of any incidents that occurred between Mr. McCann and his Supervisors earlier this year, Mr. Nelson and Ms. Phelps?
A Only what I've read in the paper.
Q Have you ever been referred to anger management related to your employment?
A No.
Q If you were so referred, would you follow up on recommendations that were made for you?
A Yes.
MR. McCANN: Objection.
THE HEARING OFFICER: Overruled.
And your answer?
THE WITNESS: Yes.

MS. BRIGGS: Okay. I have nothing further.

MR. McCANN: Nothing further.

THE HEARING OFFICER: Okay. Thank you.

- - -

SCOTT WAGNER

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you state your name, spelling your last name, please?

A Scott Wagner, last name W-a-g-n-e-r.

Q Did I courteously communicate with you on all matters affecting the Department of Development, to include all purchases?

A Yes.

Q Did I ensure the resolution of the U.S. Bank situation with the lease on your copying machine?

A Yes.

MR. McCANN: No further questions.

- - -

By Ms. Briggs:

Q Scott, do you have any personal knowledge of incidents that occurred between Mr. McCann and his Supervisors earlier this year, Mr. Nelson and Ms. Phelps?

A Personal knowledge, no.

Q Have you ever been referred to anger management related to your employment?

A No.
Q If you were so referred, would you follow up on recommendations that were made for you?
MR. McCANN: Objection.
THE HEARING OFFICER: Overruled.
Go ahead.
A Yes.
MS. BRIGGS: Nothing further.
THE HEARING OFFICER: Thank you.
- - -

SHARON ULMAN

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you state your name and spell your last name, please.

A Yes. My name is Sharon Ulman, U-l-m-a-n.

Q Thank you, Sharon. Just one question.

A Uh-huh.

Q Did I courteously communicate all aspects of projects with you and through you to members of the Emergency Management staff?

A Absolutely.

MR. McCANN: Counselor.

- - -

By Ms. Briggs:

Q Sharon, do you have any personal knowledge of any incidents that occurred between Mr. McCann and his Supervisors earlier this year, Mr. Nelson and Ms. Phelps?

A No, I have no knowledge.

Q Okay. Have you ever been referred to anger management related to your employment?

A No, I have not.

Q Okay. If you were so referred, would you follow up with recommendations that were made for you?

MR. McCANN: Objection.

THE HEARING OFFICER: Overruled.

Go ahead.

A Yes, I would.

MS. BRIGGS: Okay. Thank you.

THE HEARING OFFICER: That's it. Thank you.

- - -

LISA ANN YEAGER

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you state your name, please?

A Lisa Ann Yeager.

Q And spell your last name.

A Y-e-a-g-e-r.

Q One very quick question, Lisa.

Did I courteously communicate with you on all aspects of purchasing requirements for the Insurance Department?

A Yes.

MR. McCANN: Counselor.

- - -

By Ms. Briggs:

Q Lisa, do you have any personal knowledge of any incidents that occurred between Mr. McCann and his Supervisors earlier this year?

A None.

Q Okay. Have you ever been referred to anger management related to your employment?

A No.

Q If you were so referred, would you follow up with

recommendations that were made for you?

A Yes.

MR. McCANN: Objection.

THE HEARING OFFICER: Overruled.

Go ahead.

THE WITNESS: Yes.

MS. BRIGGS: Thank you. That's it.

- - -

VALERIE A. DeROSE

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you state your name, please?

A My name is Valerie A. DeRose.

Q And spell your last name, please.

A It's D-e-R-o-s-e.

Q Thank you, Val.

Did I courteously communicate the projects -- or communicate -- courteously communicate the progress of all projects with you, to include the purchase of Paratech lift bags, weather radios, Sim man and other EMA items?

A Yes, always.

MR. McCANN: Counselor.

- - -

By Ms. Briggs:

Q Val, do you have any personal knowledge of incidents that occurred between Mr. McCann and his Supervisors earlier this year?

A No. Just what I've read in the paper.

Q Okay. Have you ever been referred to anger management related to your employment?

A No.
Q If you were so referred, would you follow up with the recommendations that were made for you?
MR. McCANN: Objection.
THE HEARING OFFICER: Overruled.
Go ahead.
A Um, I guess it would be depending on the incident, what it entailed. To just answer yes or no, I don't really know enough about it.
MS. BRIGGS: Okay. Thanks. That's it.
THE HEARING OFFICER: Thank you.
THE WITNESS: Okay. Thank you.
- - -

ANNETTE PETRANIC

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you state your name, please?

A Annette Petranic.

Q And spell your last name, please.

A P-e-t-r-a-n-i-c.

Q Thank you, Annette.

September of 2001 there became a new urgency for purchasing EMA equipment.

Did I courteously communicate and timely process all aspects of purchasing and progress -- project progression to you?

A Yes, you did.

MR. McCANN: Counselor.

- - -

By Ms. Briggs:

Q Do you have any personal knowledge of incidents that occurred between Mr. McCann and his Supervisors earlier this year?

A No.

Q Okay. Have you ever been referred to anger management related to your employment?

A No.
Q If you were so referred, would you follow up on recommendations that were made for you?
MR. McCANN: Objection.
THE HEARING OFFICER: Overruled.
Go ahead.
A I'm not sure.
MS. BRIGGS: Okay.
THE HEARING OFFICER: That's it. Thank you.

- - -

STEVEN H. LIBBY

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you state your name and spell your last name, please?

A Steven H. Libby, L-i-b-b-y.

Q Thank you, Steve. Just one question, please.

When you had questions about purchasing procedures, were they always courteously and answered in a timely fashion?

A Yes.

MR. McCANN: Counselor.

- - -

By Ms. Briggs:

Q Steve, do you have any personal knowledge of incidents that occurred between Mr. McCann and his Supervisors earlier this year?

A Do I have any personal knowledge?

Did I hear what happened earlier this year?

Q No. Were you there?

A No, I was not.

Q Okay.

A Sorry.

Q That's okay.

Have you ever been referred to anger management related to your employment?

A No, I have not.

Q Okay. If you were referred, would you follow up on recommendations that were made for you?

MR. McCANN: Objection.

THE HEARING OFFICER: Overruled.

Go ahead.

A Um, if I was ever referred to, yes.

MS. BRIGGS: Okay. Thanks. That's it.

THE WITNESS: Sure.

- - -

THOMAS SMOOT

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you state your name and spell your last name, please?

A Thomas Smoot, S-m-o-o-t.

Q Tommy, we worked closely on a number of EMA projects.

And did I courteously provide you, communicate with you and in a timely fashion find the competitive pricing you were looking for?

A Yes.

MR. McCANN: Counselor.

- - -

By Ms. Briggs:

Q Do you have any personal knowledge of incidents that occurred between Mr. McCann and his Supervisors earlier this year?

A No.

Q Okay. Have you ever been referred to anger management related to your employment?

A No.

Q If you were referred, would you follow up on

recommendations that were made for you?

MR. McCANN: Objection.

THE HEARING OFFICER: Overruled.

Go ahead.

THE WITNESS: Can you repeat the question?

By Ms. Briggs:

Q Yes. If you were referred to anger management related to your employment, would you follow up on the recommendations that were made for you related to that referral?

A Yes.

MS. BRIGGS: Thank you.

THE HEARING OFFICER: That's it.

- - -

FRANK CIRACO

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you state your name and please spell your last name?

A Frank Ciraco. It's C-i-r-a-c-o.

Q One question this morning, Frank.

Did I courteously communicate my requirements for usage of the freight elevator and always consult with you before undertaking any activity within the building, such as changing backward signage?

A Yes.

MR. McCANN: Counselor.

- - -

By Ms. Briggs:

Q Frank, do you have any personal knowledge of incidents that occurred between Mr. McCann and his Supervisors earlier this year?

A No.

Q Okay. Have you ever been referred to anger management related to your employment?

A No.

Q If you were referred, would you follow up on

recommendations that were made for you?

MR. McCANN: Objection.

THE HEARING OFFICER: Overruled.

Go ahead.

A Yes.

MS. BRIGGS: Okay. Thanks. That's it.

- - -

WILLIAM J. HEILMAN

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you state your name, please?

A William J. Heilman.

Q And spell your last name.

A H-e-i-l-m-a-n.

Q Bill, just a couple questions.

Did I courteously communicate my requirements, whether it's in the usage of the freight elevator or using staff to move material?

A Yes.

Q In October of 2005, you were looking for pricing for a new lift.

And did I communicate and ultimately save the County thousands of dollars by providing you with pricing?

A Yep. Yes.

Q Did I alert you to the surplus items available from the Sheriff's unclaimed jail surplus?

A Yes.

MR. McCANN: Nothing further.

- - -

By Ms. Briggs:

Q Do you have any personal knowledge of incidents that occurred between Mr. McCann and his Supervisors earlier this year?

A No, I don't.

Q Have you ever been referred to anger management related to your employment?

A No.

Q If you were referred, would you follow up with recommendations that were made for you?

A Yes.

MR. McCANN: Objection.

THE HEARING OFFICER: Overruled.

Go ahead.

THE WITNESS: Yes.

MS. BRIGGS: That's all. Thank you.

- - -

REBECCA BURSKEY

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you state your name and spell your last name, please?

A Rebecca Burskey, B-u-r-s-k-e-y.

Q Becky, did you find that I courteously communicated and followed up to ensure the upgrading of computers when you were facing a budget crunch?

A Yes.

Q Did I courteously communicate and follow up to ensure that you were able to purchase a copying machine for the department?

A Yes, definitely.

MR. McCANN: Counselor.

- - -

By Ms. Briggs:

Q Do you have any personal knowledge of incidents that occurred between Mr. McCann and his Supervisors earlier this year?

A Not personal. I mean, I was not there or anything like that.

Q Okay. Have you ever been referred to anger

management related to your employment?
A No, I haven't.
Q Okay. If you were referred, would you follow up on recommendations that were made for you?
MR. McCANN: Objection.
THE HEARING OFFICER: Overruled.
Go ahead.
A Um, it depends. I don't know.
By Ms. Briggs:
Q Do you think you would quit your job before you'd follow up with recommendations that were made for you?
A I don't think I'd quit my job, but I'd have to look into why the recommendations were made and if they were valid issues.
MS. BRIGGS: Thank you.
THE HEARING OFFICER: That's it. Thank you.

- - -

LINDA MURPHY

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you state your name and spell your last name, please?

A Linda Murphy, M-u-r-p-h-y.

Q Just a couple questions this morning, Counselor.

Did I courteously communicate and follow up on questions and requests for projects such as the Medical Examiner cremation services and inventorying the office of Congressman Tim Ryan?

A Yes.

Q Does the Horizon Behavioral Company have any significance to you?

A No.

Q Does the Ease At Work program have any significance to you?

A No.

Q And you serve as the Chair of the Board of Control; is that correct?

A Yes.

MR. McCANN: Nothing further.

- - -

By Ms. Briggs:

Q Do you have any personal knowledge of incidents that occurred between Mr. McCann and his Supervisors earlier this year?

A No.

Q Have you ever been referred to anger management related to your employment?

Have you ever been presented with a referral form to fill out related to anger management?

A No.

Q Okay. If you were so referred, would you follow up with recommendations that were made for you?

MR. McCANN: Objection.

THE HEARING OFFICER: Overruled.

A I don't know.

MS. BRIGGS: Okay. That's all.

MR. McCANN: Thank you, Linda.

THE WITNESS: You're welcome.

- - -

ASENATHE WILLIAMS

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you state your name and please spell your last name?

A Asenathe Williams. I probably should spell the first. A-s-e-n-a-t-h-e. Last name Williams, W-i-l-l-i-a-m-s.

Q Aka Cynda?

A Also known as Cynda.

Q You worked closely to ensure that the purchasing requirements for the Labor Relations Attorney and the Director of Human Resources are fulfilled; is that correct?

A That's correct.

Q Did I courteously communicate and timely follow up on all of your requirements for purchasing?

A Yes, you did.

MR. McCANN: Nothing further.

- - -

By Ms. Briggs:

Q Cynda, do you have any personal knowledge of incidents that occurred between Mr. McCann and his

Supervisors earlier this year?
A No, I don't.
Q Have you ever been referred to anger management related to your employment?
A Myself, have I?
Q Yes.
A No, I have not.
Q If you were referred, would you follow up with recommendations that were made for you?
MR. McCANN: Objection.
THE HEARING OFFICER: Overruled.
You can answer.
A I think that would depend on if I felt like I had not -- if I personally didn't think I was in need of it, I think I would question why I was being sent, so that's where I would be.
By Ms. Briggs:
Q Okay. Would you quit your job before you'd follow up with recommendations?
A That's a hard question to answer. I'd be right on the line, to be honest.
MS. BRIGGS: Okay.
THE HEARING OFFICER: Thank you. That's it.
MR. McCANN: Thank you.

THE WITNESS: You're welcome.

- - -

WYNDI DAVIS

of lawful age, a Witness herein, having been first affirmed, was examined and said as follows:

EXAMINATION

By Mr. McCann:

Q Would you state your name and please spell your last name?

A Hi, David. Wyndi Davis, D-a-v-i-s.

Q Thank you, Wyndi. Just one very quick question.

Was I always courteous with you in dealing with matters of copiers and Office Services items?

A Always.

MR. McCANN: Counselor.

- - -

By Ms. Briggs:

Q Do you have personal knowledge of incidents that occurred between Mr. McCann and his Supervisors earlier this year?

A No.

Q Have you ever been referred to anger management related to your employment?

A No.

Q If you were referred, would you follow up on recommendations that were made for you?

MR. McCANN: Objection.

THE HEARING OFFICER: Overruled.

You can answer.

A Yes.

MS. BRIGGS: Okay. Thank you.

- - -

JARED McGRATH

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you state your name, please, and please spell your last name?

A Jared McGrath, M-c-G-r-a-t-h.

Q Jared, just one question.

Did I courteously communicate with you on all projects when you were at the Safety Building and at the facility here in the Ohio Building?

A Yes.

MR. McCANN: Counselor.

- - -

By Ms. Briggs:

Q Jared, do you have any personal knowledge of incidents that occurred between Mr. McCann and his Supervisors earlier this year?

A No.

Q Have you ever been referred to anger management related to your employment?

A No.

Q If you were referred, would you follow up on recommendations that were made for you?

MR. McCANN: Objection.

THE HEARING OFFICER: Overruled.

Go ahead.

THE WITNESS: Yes.

MS. BRIGGS: Thanks. That's it.

THE WITNESS: Okay.

- - -

KAREN KEARNS

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you state your name and spell your last name, please?

A Karen Kearns, K-e-a-r-n-s.

Q Karen, just one very basic question. You needed a keyboard replacement.

Did I courteously handle that process and get that to you in one day?

A Yes.

MR. McCANN: Counselor.

- - -

By Ms. Briggs:

Q Do you have any personal knowledge of incidents that occurred between Mr. McCann and his Supervisors earlier this year?

A Just what I read in the paper.

Q Okay. Have you ever been referred to anger management related to your employment?

A No.

Q If you were referred, would you follow up on recommendations that were made for you?

MR. McCANN: Objection.

THE HEARING OFFICER: Go ahead and answer. Overruled.

A I guess I would have to. I don't know.

MS. BRIGGS: Okay. Thanks. That's all.

THE WITNESS: That's it.

THE HEARING OFFICER: Thank you.

- - -

CELESTE HOLLAND

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you state your name and please spell your last name?

A Celeste Holland, H-o-l-l-a-n-d.

Q Just one question, Celeste.

Did I courteously communicate with you regarding all copying requirements for the Purchasing Office?

A Yes.

MR. McCANN: Counselor.

- - -

By Ms. Briggs:

Q Celeste, do you have any personal knowledge of incidents that occurred between Mr. McCann and his Supervisors earlier this year?

A No.

Q Have you ever been referred to anger management related to your employment?

A Have I?

Q Yes.

A No.

Q If you were referred, would you follow up on recommendations that were made for you?

MR. McCANN: Objection.

THE HEARING OFFICER: Overruled.

Go ahead.

A Yes.

MS. BRIGGS: Okay. That's all. Thank you.

- - -

VINCENT DiSALVO

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you please state your name and spell your last name, please?

A Vincent DiSalvo, D-i-S-a-l-v-o.

Q Thank you, Vince. Just one question.

Did I courteously communicate and consistently communicate with you regarding RFPs and competitive bidding items for long distance services, voice-over IP and computers that were purchased for your office?

A Yes.

MR. McCANN: Counselor.

- - -

By Ms. Briggs:

Q Vince, do you have any personal knowledge of incidents that occurred between Mr. McCann and his Supervisors earlier this year?

A No.

Q Okay. Have you ever been referred to anger management related to your employment?

A No.

Q If you were referred, would you follow up with recommendations that were made for you?

MR. McCANN: Objection.

THE HEARING OFFICER: Overruled.

Go ahead.

A Yes.

MS. BRIGGS: Okay. That's all. Thank you.

- - -

THERESE FRETZ

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you state your name, please, and spell your last name for me, please?

A Sure. It's Therese Fretz, F-r-e-t-z.

Q Terry, did I courteously communicate in a timely fashion to ensure that all projects that you asked of me, whether it be the solicitation of pricing or licensure or disposal of equipment, was that done in a courteous fashion?

A Yes.

MR. McCANN: Counselor.

- - -

By Ms. Briggs:

Q Do you have any personal knowledge of incidents that occurred between Mr. McCann and his Supervisors earlier this year?

A No.

Q Have you ever been referred to anger management related to your employment?

A No.

Q If you were referred, would you follow up on

recommendations that were made for you?

MR. McCANN: Objection.

THE HEARING OFFICER: Overruled.

Go ahead.

A Could you repeat the question again?

By Ms. Briggs:

Q Sure. If you were referred for anger management related to your employment, would you follow up on recommendations that were made to you for that referral?

A Absolutely.

MS. BRIGGS: Thank you. That's it.

- - -

LISA SKAPURA

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you state your name and please spell your last name?

A Sure. Lisa Skapura, S-k-a-p-u-r-a.

Q And your position?

A I'm an Assistant Director with the Internal Audit Department.

Q Earlier this year I worked with members of your staff regarding the County's motor pool.

A Yes.

Q Was that done in a courteous and timely fashion?

A Yes.

MR. McCANN: Counselor.

- - -

By Ms. Briggs:

Q Do you have any personal knowledge of incidents that occurred between Mr. McCann and his Supervisors earlier this year?

A No, none at all.

Q Have you ever been referred to anger management related to your employment?

A No.
Q If you were referred, would you follow up on recommendations that were made for you?
MR. McCANN: Objection.
A Yes.
THE HEARING OFFICER: Overruled.
Go ahead.
THE WITNESS: Yes, I would.
MS. BRIGGS: Thanks. That's all.
THE HEARING OFFICER: We've run out of Witnesses for this morning?
MS. CORBIN: Yes.
THE HEARING OFFICER: Okay. And everyone else is scheduled back at one?
MS. CORBIN: Well, there are several coming at one, I want to say roughly about 15, 16. And then there are several for Wednesday morning.
THE HEARING OFFICER: Who is scheduled for Wednesday morning?
MS. CORBIN: Shannon Lysenko, John Morgan, Mary Lou Dougherty, Ed Hershberger.
THE HEARING OFFICER: Let me just ask you, Shannon couldn't come today, right?
MS. CORBIN: Right. So I have rescheduled

her for Wednesday morning.

THE HEARING OFFICER: If there's anyone scheduled for Wednesday that can come this afternoon, let's give them a call.

MS. CORBIN: I can go back to the office and do that, because there are several people for Wednesday. I'll just have to get on the phone with them and see if any of them can come.

THE HEARING OFFICER: Okay. Well, I mean, how many did we get through this morning?

MS. CORBIN: Thirty-two -- thirty-four.

THE HEARING OFFICER: Okay. We'll just see if we can move some people to this afternoon. I mean, if they work in the building, then that shouldn't be too hard.

MS. CORBIN: Well, most of them do not, but I can still call them, because I kind of did the Ohio Building all this morning.

THE HEARING OFFICER: All right. So we'll adjourn until 1:00 then. Thanks.

(Recess taken.)

- - -

THE HEARING OFFICER: Just for the record, we're back on at 1:00 -- a few minutes till

1:00, continuing Dave McCann's Witnesses.

MS. BRIGGS: Before you start, so I don't have to interrupt you, I'd just like to note for the record my standing objection to the relevancy of these Witnesses.

THE HEARING OFFICER: Thank you.

- - -

CRAIG STANLEY

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you state your name and spell your last name for us, please?

A Yeah. Craig Stanley, S-t-a-n-l-e-y.

Q Craig, my -- I have two questions for you.

A Okay.

Q The first one, did I courteously communicate with you in all aspects of projects requiring my assistance, projects such as long distance, the voice-over IP/RFP, the veterinary RFP, waste management, and finding a site for election equipment?

A Yes.

Q The second question, did Bob Holland speak to you regarding a possible site for election equipment?

A I don't think so, Dave.

MR. McCANN: Okay. No further questions.

THE WITNESS: Okay.

MS. BRIGGS: Hold on. I get to ask you a few questions.

THE WITNESS: Oh, you get to ask, too.

By Ms. Briggs:
Q Do you have any personal knowledge of events that occurred between Mr. McCann and his Supervisor earlier this year?
A I do not.
Q Okay. Have you ever been referred to anger management?
A Have I?
Q Yes.
A No, I have not.
Q If you were referred to anger management, would you follow up on recommendations that were made for you?
MR. McCANN: Objection.
THE HEARING OFFICER: Overruled.
A Yes.
MS. BRIGGS: Okay. Thanks.
THE WITNESS: That's it?
THE HEARING OFFICER: That's it.
THE WITNESS: Take care, Dave.
MR. McCANN: Thanks, Craig.
- - -

BRIAN CLARK

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you state your name and please spell your last name?

A Brian Clark, C-l-a-r-k.

Q One question, Brian.

Did I courteously communicate with you regarding the backup generator that was required for the MIS Unit?

A Yes, you did.

MR. McCANN: Counselor.

- - -

By Ms. Briggs:

Q Do you have any personal knowledge of events that occurred between Mr. McCann and his Supervisors earlier this year?

A No.

Q Okay. Have you ever been referred to EAP or anger management or -- have you ever been referred to our EAP program for anger management related to your employment?

A No.

Q If you were referred, would you follow up on recommendations that were made for you?

MR. McCANN: Objection.

THE HEARING OFFICER: Overruled.

A Yes.

MS. BRIGGS: Okay. Nothing further.

- - -

KAREN BROWN

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you state your name and please spell your last name?

A Karen Brown, B-r-o-w-n.

Q Thank you, Karen.

My one and only question is this: Did I courteously communicate with you in the assistance of the computer purchases and licenses, ensuring price comparisons were completed, all licenses were purchased, and did I alert you to inventory surplus equipment that may be transferred to your department?

A Always.

MR. McCANN: Nothing further.

- - -

By Ms. Briggs:

Q Karen, do you have any personal knowledge of any events that occurred between Mr. McCann and his Supervisors earlier this year?

A Personal, no, I do not.

Q Have you ever been referred to anger management

related to your employment?

A I have not.

Q Okay. If you were referred to anger management, would you follow up on recommendations that were made for you?

MR. McCANN: Objection.

THE HEARING OFFICER: Overruled.

Go ahead.

A Wow. I would like to think that perhaps I would if I thought that it were necessary.

MS. BRIGGS: Okay. Thank you. That's all.

- - -

BARBARA GERROW

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you please state your name and spell your last name, please?

A Barbara G-e-r-r-o-w.

Q Thank you, Barbara.

U.S. Communities is a government purchasing cooperative noted for providing excellent prices for commodities.

Did I assist you and provide courteous answers to questions regarding pricing in a timely fashion?

A Yes.

MR. McCANN: No further questions.

- - -

By Ms. Briggs:

Q Barb, do you have any personal knowledge of events that occurred between Mr. McCann and his Supervisors earlier this year?

A No.

Q Okay. Have you ever been referred for anger management related to your employment?

A No.

Q Okay. If you were --
A Should I be?
Q If you were referred for anger management, would you follow up with recommendation that were made for you?
MR. McCANN: Objection.
THE HEARING OFFICER: Overruled.
A Yes. Yes.
MS. BRIGGS: Okay. Thank you. That's it.
THE WITNESS: That's it?
MS. BRIGGS: Nothing further.
- - -

LORI MENDELSON

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you state your name, please, and please spell your last name?

A Lori Mendelson, M-e-n-d-e-l-s-o-n.

Q Lori, just one question for you.

In your capacity at Physical Plants, whenever I was involved with any purchasing projects, did I courteously communicate with you and ensure the timely completion of the project?

A Yes.

MR. McCANN: Nothing further.

- - -

By Ms. Briggs:

Q Lori, do you have any personal knowledge of events that occurred between Mr. McCann and his Supervisors earlier this year?

A No.

Q Have you ever been referred for anger management related to your employment?

A No.

Q If you were referred for anger management, would you

follow up with any recommendations that were made?

MR. McCANN: Objection.

THE HEARING OFFICER: Overruled.

A That's a hypothetical. I guess I would. It would be -- you know, I don't know. I guess I would.

MS. BRIGGS: Okay. Thank you.

- - -

LYNN PARMENTIER

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you state your name and please spell your last name?

A Lynn Parmentier, P-a-r-m-e-n-t-i-e-r.

Q Thank you, Lynn.

In working with me on computer deliveries and surplus items, did I communicate courteously with you regarding all projects that affected the Youth Employment Program?

A Yes.

MR. McCANN: Nothing further.

MS. BRIGGS: Hold on. I get to ask you some questions, too.

THE WITNESS: Sorry.

MS. BRIGGS: That's okay.

By Ms. Briggs:

Q Do you have any personal knowledge of events that occurred between Mr. McCann and his Supervisors earlier this year?

A No.

Q Okay. Have you ever been referred to anger

management related to your employment?

A No.

Q Okay. If you were referred to anger management, would you follow up on recommendations that were made for you as a part of that referral?

MR. McCANN: Objection.

THE HEARING OFFICER: Overruled.

Go ahead.

By Ms. Briggs:

Q You can go ahead and answer.

A I would inquire about it.

MS. BRIGGS: Okay. Nothing further.

- - -

DENNIS LAWRENCE BABB, II

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you state your name and please spell your last name?

A I am Dennis Lawrence Babb, II. Last name Babb, B-a-b-b.

Q And your position?

A I am the Unit System Administrator for the Summit County Clerk of Courts.

Q Thank you, Dennis.

Just two very basic questions for you.

A Okay.

Q Did I courteously communicate with you regarding matters of computers, software, inventory disposal?

A Yes.

Q Did I courteously assist you in the surplus disposal of computer equipment on the second floor of the Safety Building?

A Yes.

MR. McCANN: Nothing further.

- - -

By Ms. Briggs:

Q Do you have any personal knowledge of events that occurred between Mr. McCann and his Supervisors earlier this year?

A No. Stuff that you get maybe hearsay, but I don't like to listen to that. I try to stay away from that in my dealings.

Q Have you ever been referred for anger management --

A Me?

Q -- related to your employment?

A No.

Q No. If you were referred by your employer for anger management, do you think you would follow up with recommendations that were made for you?

MR. McCANN: Objection.

THE HEARING OFFICER: Overruled.

Go ahead.

A Okay. Yes. My job is very important to me, so I would, yeah.

MS. BRIGGS: Okay. Thank you.

- - -

MARIE NEWLOVE

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you please state your name, spell your last name, and your position with the County, please?

A Okay. My name is Marie Newlove, last name N-e-w-l-o-v-e. And I'm a Budget Management Director at the Summit County Engineer's Office.

Q Thank you, Marie.

One very basic question. One of the new projects that the Purchasing Office had undertaken was assisting the Engineer's Office in advertising for bids.

Did I courteously communicate all aspects of my progress on that for you?

A Absolutely.

MR. McCANN: Nothing further.

MS. BRIGGS: Just a couple questions from me here.

THE WITNESS: Okay. I'm sorry.

- - -

By Ms. Briggs:

Q Do you have any personal knowledge of events that

occurred between Mr. McCann and his Supervisors earlier this year?

A No, I don't.

Q Have you ever been referred for anger management related to your employment?

A No, I haven't.

Q Okay. If your employer referred you for anger management, do you think you would follow up with recommendations that were made to you?

MR. McCANN: Objection.

THE HEARING OFFICER: Overruled.

You can answer.

By Ms. Briggs:

Q Yes, you can answer.

A Oh, I was like okay. I was kind of waiting to see what happens.

I think that would depend upon why, you know, they would have felt it necessary for me to be referred.

MS. BRIGGS: Okay. Thank you. Nothing further.

THE WITNESS: Okay.

MS. BRIGGS: At this point I'd like to make another objection. I know that the Hearing Officer has ruled on the relevancy

objection, but I'd like to make --

(Discussion had off record.)

MS. BRIGGS: I'd like to make an objection at this point based on the cumulative evidence that we're getting today. I think that Mr. McCann has had ample opportunity and brought in an ample number of Witnesses that have stated that he's been -- that he has been courteous to them when he has dealt with them in his capacity as a County employee.

I think it's a little bit of overkill here, and we're going into a lot of wasted time if we're going to be going over the same type of question with the rest of the Witnesses.

MR. McCANN: I appreciate your comments.

I will offer one thing only. I have lost my job. And if I -- if it's necessary for me to go over the figures again, I think it's .597 percent of the time -- cumulative time that I worked with this County, that I should be at least permitted to bring in Witnesses that can demonstrate and verbally say that I, in fact, communicated courteously and performed my function as a classified employee

in the Purchasing Office.

THE HEARING OFFICER: Is any Witness that you're going to call after the ones that have already testified going to testify to anything -- are you asking them anything different than have you been courteous?

MR. McCANN: Yes.

THE HEARING OFFICER: Who are those Witnesses?

MR. McCANN: Well, I'd rather not say at this point, I mean, in terms of what might unfold. But I think the courtesy that should be afforded to me -- I don't have a job anymore because of what I feel are the malicious statements made by political appointees in this County.

And I should have the opportunity for a redress of grievances regardless if it takes 100 or 200 Witnesses to thoroughly demonstrate that I was a committed classified employee to this administration and to all offices and agencies within Summit County.

THE HEARING OFFICER: Well, it's not about -- it's not a courtesy issue, Dave. It's about cumulative evidence.

MR. McCANN: That's right.

THE HEARING OFFICER: And you've had 30-some employees say you were courteous. If that is the point of the rest of the 30-some Witnesses you've called, we don't need -- I think you've probably established that you were courteous.

MR. McCANN: Work performance issues are still essential to this.

THE HEARING OFFICER: That's not what you're asking them, though. You're asking every Witness if you were courteous.

MR. McCANN: And I've also asked did I completed your projects in a timely fashion.

THE HEARING OFFICER: Not to every Witness, you haven't.

MR. McCANN: That's true. And it depends on the Witness. Here is my Witness list right here of the questions that I have.

THE HEARING OFFICER: Then you probably need to go through your questions and narrow down who else you need to call, because we don't need to have 20 more people come in to say you were courteous. I think you've established that.

MR. McCANN: I will continue that line of questioning, and as appropriate, make inquiry as to what I did in terms of work performance.

THE HEARING OFFICER: Okay. I'm telling you that I will not allow 30 more Witnesses to be called to say you were courteous. But I will allow you to call other Witnesses if you have other questions you want to ask them.

MR. McCANN: They are individualized questions, as you have heard, that deal with specific work items for each department, whether it be the Fiscal Office, whether it be for the Clerk of Courts.

We have yet to talk to the Sheriff's Office, Juvenile Court, the Veterans Services Administration -- or Veterans Services Commission, that deal with specific work performance issues.

THE HEARING OFFICER: I could have the Court Reporter read back your questions, but you have them in front of you.

MR. McCANN: Yes, I do.

THE HEARING OFFICER: Your questions are, were you courteous in your communications. That's every question you've asked.

MR. McCANN: Of course. And that is the preface to every question that I have.

So, Counselor, are you suggesting, then, if I continue that, then this hearing is over?

THE HEARING OFFICER: I'm asking you, do you have Witnesses that are going to testify to things other than you being courteous?

MR. McCANN: Yes, I do.

THE HEARING OFFICER: Because I think you've established you were courteous.

MR. McCANN: Yes, I do.

THE HEARING OFFICER: Okay.

MR. McCANN: All of them.

THE HEARING OFFICER: No, that -- it can't be.

MR. McCANN: Well, listen and see. And then if there's a further debate regarding that and another Motion within 15 minutes, let's entertain it at that time.

THE HEARING OFFICER: What's your argument going to be in 15 minutes?

MR. McCANN: Well, let's see what precipitates at 15 minutes.

THE HEARING OFFICER: Just call the next Witness.

KATHY BILE

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you state your name, spell your last name, and state your position, please, with the County?

A Kathy Bile. I am the Fiscal Officer of the Ninth District Court of Appeals.

Q Thank you, Kathy.

Did I courteously communicate with you regarding all projects that impacted the Ninth District Court of Appeals?

A Yes.

MS. BRIGGS: Objection. Cumulative.

THE HEARING OFFICER: Sustained.

By Mr. McCann:

Q Did I work with you courteously to ensure that work projects were completed, such as the disposal of inventory?

A Yes.

MS. BRIGGS: Objection. Cumulative.

THE HEARING OFFICER: Overruled.

MR. McCANN: Nothing further.

MS. BRIGGS: I get to ask you a couple

questions.

- - -

By Ms. Briggs:

Q Do you have any personal knowledge of events that occurred between Mr. McCann and his Supervisors earlier this year?

A No, I don't.

Q Have you ever been referred to anger management related to your employment?

A No, I haven't.

Q If your employer referred you for anger management, would you follow up with recommendations that were made based on that referral?

MR. McCANN: Objection.

THE HEARING OFFICER: Overruled.

A What was the question again?

By Mr. McCann:

Q I'll repeat it.

If your employer referred you for anger management, would you follow up with recommendations that were made based on that referral?

A Recommendations to go to the referral; is that it?

Q Once you've gone to the referral, if they had recommendations at that point, would you follow through with them?

A Probably. It would depend on the circumstances.

MS. BRIGGS: Okay. Thank you. Nothing further.

THE HEARING OFFICER: That's it. Thanks.

- - -

RENE DORNACK

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you please state your name and spell your last name and tell us your position with the County?

A Dornack, D-o-r-n-a-c-k, first name Rene, R-e-n-e. I'm an Administrative Secretary with the Summit County Development Department.

Q Thank you, Rene.

Would you tell me, please, how many professional positions you've had with Summit County during the course of your career?

A I was a Control Specialist Secretary 2, Administrative Assistant, and lastly, Administrative Secretary.

Q And you were in the Purchasing Department between 1999 and 2002?

A Yes, I was.

Q In his efforts to provide services to all departments, would you say Mr. McCann went above and beyond the call of service?

A Above and beyond is correct.

Q In April, 2002, just before you were transferred to

the Department of Office Services, did Mr. McCann travel to the Cuyahoga Falls branch of Office Max and purchase with his own money an electronic German translation device for the County Executive?

A Yes, he did. I was with him.

Q Would that be an example of going above and beyond?

A I would say so.

Q In 2005, when there was a question of your continued employment with Office Services, was your Supervisor, Linda Sowa, supportive of your employment status?

A Can you repeat that again?

Q Yes. In 2005, when there was a question of your continued employment with Office Services, was your Supervisor, Linda Sowa, supportive of your continued employment?

A No, she was not.

Q Who was running Office Services at that time?

A David Hickman was running Office Services.

Q And his Supervisor?

A Brian Nelson.

Q Would you say Mr. Nelson had overall responsibility for Office Services or Mrs. Phelps?

A Mrs. Phelps has total control. He just does what she tells him to do.

MR. McCANN: I have nothing further.

- - -

By Ms. Briggs:

Q I have a couple questions.

Do you have any personal knowledge of events that occurred between Mr. McCann and his Supervisors earlier this year?

A I have no -- I wasn't there.

Q Okay. Have you ever been referred to anger management related to your employment?

A No, I have not.

Q If your employer were to refer you for anger management, would you follow up on recommendations that were made based on that referral?

MR. McCANN: Objection.

THE HEARING OFFICER: Overruled.

You can answer.

A Well, I don't get mad, so -- I'm not an angry person, so that would never happen.

MS. BRIGGS: Okay. Nothing further.

- - -

BARRY WILLIAM GRADWOHL

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you please state your name and spell your last name, please?

A Barry William Gradwohl. Spelling of the last name is G-r-a-d-w-o-h-l.

Q And your last position with Summit County?

A Having to think back, I was originally the Director of Security. I think I was the Security Coordinator for Summit County when I left.

Q Thank you.

And working with me in the Purchasing Office, there were two items that I dealt with you, the Zenza random drug testing and video systems.

Did I complete those projects in a timely fashion for you and in a courteous fashion?

MS. BRIGGS: Objection. Cumulative.

THE HEARING OFFICER: Overruled.

Go ahead.

A Yes, you did.

MR. McCANN: Nothing further.

MS. BRIGGS: I've got a couple questions

for you.

THE WITNESS: Sorry.

MS. BRIGGS: That's okay.

By Ms. Briggs:

Q Do you have any personal knowledge of events that occurred between Mr. McCann and his Supervisors earlier this year?

A You're asking personal knowledge --

Q Yes.

A -- that I was there?

No, I do not.

MS. BRIGGS: I don't have any further questions.

THE HEARING OFFICER: Thank you.

MR. McCANN: Thank you.

- - -

THE HEARING OFFICER: Okay. Before you start, what office -- who do you work for?

MR. REICHLIN: I work for Portage County right now. But I finished my job here at Summit with the Department of Development June 22 of this year.

THE HEARING OFFICER: Okay. We've already had testimony from employees from the Department of Development.

What is the basis for calling him?

MR. McCANN: He is the GIS Supervisor -- or was the GIS Supervisor for the Department of Development, a very, very significant employee.

THE HEARING OFFICER: I'll allow his testimony because I assume you just came from Portage County; is that right?

MR. REICHLIN: Yeah.

THE HEARING OFFICER: But we're not going to have any more testimony from duplicative departments.

Go ahead.

MR. McCANN: Just a moment, Counselor.

When you look at departments like development and the various -- we have HWAP, we have the actual Development, you have the GIS Unit.

THE HEARING OFFICER: I'm allowing you this Witness.

MR. McCANN: All right. Thank you.

- - -

JOE REICHLIN

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you please state your name and spell your last name, please, and your last position with Summit County?

A Sure. Joe Reichlin. The last name is spelled R-e-i-c-h-l-i-n. And I was the GIS Technical Applications Administrator.

Q Joe, in my capacity with the Department of Purchasing, did I work with you and provide timely service in terms of computer acquisition, inventory tagging, software acquisition, and the disposal of surplus items?

MS. BRIGGS: Objection. Cumulative.

THE HEARING OFFICER: Overruled.

THE WITNESS: I can answer that?

THE HEARING OFFICER: Yes. Go ahead.

THE WITNESS: Yes.

MR. McCANN: I have nothing further.

THE WITNESS: Okay.

MS. BRIGGS: I have one question for you.

THE WITNESS: Sure.

- - -

By Ms. Briggs:

Q Do you have any personal knowledge of events that occurred between Mr. McCann and his Supervisors earlier this year?

A Not really, no.

MS. BRIGGS: Okay. That's all.

THE WITNESS: Okay. Thank you.

MR. McCANN: Thank you, Joe.

THE WITNESS: Sure.

THE HEARING OFFICER: Janis, who is the next Witness out there?

MS. CORBIN: I'm just calling them how they're lined up.

THE HEARING OFFICER: Just tell me who it is, their name, though.

MS. CORBIN: Tom Harvey.

THE HEARING OFFICER: From what office?

MS. CORBIN: Environmental.

THE HEARING OFFICER: Have we already had testimony from someone from Environmental?

MS. CORBIN: Not that I recall.

MR. McCANN: No.

THE HEARING OFFICER: Okay.

- - -

THOMAS K. HARVEY

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you please state your name, spell your last name, and your position?

A It's Thomas K. Harvey, H-a-r-v-e-y. I'm an Administrator for Environmental Services for Sewer Maintenance, Vehicle Maintenance and the Water Department.

Q In your capacity with vehicle maintenance, I worked very courteously and in a timely fashion to ensure that surplus autos were either by sealed bid auction taken care of or donated to nonprofit organizations?

A Correct.

MS. BRIGGS: Objection. Cumulative.

THE HEARING OFFICER: Overruled.

MR. McCANN: I have nothing further.

- - -

By Ms. Briggs:

Q Tom, do you have any personal knowledge of events that occurred between Mr. McCann and his Supervisors earlier this year?

A No.

Q Okay. Have you ever been referred to anger management related to your employment?
A No.
Q Okay. If you were referred to anger management, would you follow up with recommendations that were made related to that referral?
MR. McCANN: Objection.
THE HEARING OFFICER: Overruled.
Go ahead.
THE WITNESS: Do I answer?
THE HEARING OFFICER: Yes.
THE WITNESS: Yeah.
MS. BRIGGS: Okay. Thank you. That's it.
THE WITNESS: Okay.

- - -

THOMAS HATHAWAY

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you please state your name, Tom, spelling your last name, and your position at the Jail?

A Thomas Hathaway, H-a-t-h-a-w-a-y, Superintendent of Maintenance, Physical Plants Department.

Q Thank you, Tom.

Did I work with you in a courteous and timely fashion on the following projects: The Jail bunk bed program, where through competitive bidding we were able to find a company in New Breman, Ohio, to do the work?

A Absolutely.

Q Did I suggest to you visiting the plant in New Breman in order to view a prototype to make sure that it met your specifications?

A Yes, you did.

Q Did I courteously work and follow up in determining peak and off peak hours for the chillers so that we could get the best electrical prices?

A Yes, you did.

Q Did I courteously work and follow up with you to

update inventory and disposal of surplus items?
A Yes, you did.
MR. McCANN: I have nothing further.
THE WITNESS: Thank you.
MS. BRIGGS: I have a couple questions for you.
THE WITNESS: Yes.
By Ms. Briggs:
Q Do you have any personal knowledge of events that occurred between Mr. McCann and his Supervisors earlier this year?
A No.
Was I -- what do you mean, was I there?
No, I was not in attendance when anything happened.
MS. BRIGGS: Okay. Thank you. That's all.

- - -

LESLIE HOWE-SPROUSE

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you please state your name, spelling your last name, please?

A My name is Leslie Howe Sprouse, it's a hyphenated last name, H-o-w-e, S-p-r-o-u-s-e.

Q Thank you, Leslie.

One of the questions that I have, and we spoke to this earlier, did you call me regarding the software that Brian Watson required earlier this -- or late last year?

A Yes.

Q Did I courteously and in a timely fashion complete that project for him?

A Yes.

MR. McCANN: I have nothing further.

- - -

By Ms. Briggs:

Q Do you have any personal knowledge of events that occurred between Mr. McCann and his Supervisors earlier this year?

A No.

MS. BRIGGS: Okay. That's all.

THE WITNESS: Okay.

- - -

DIANE JAMES

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you please state your name and spell your last name for us, please?

A My name is Diane James. And that's J-a-m-e-s.

Q And your position with the Fiscal Office?

A I am a Director of Administration.

Q Okay. At the time that I was working with you, you were with the Recording Division; is that correct?

A Correct.

Q And we were working on a back file conversion program; is that correct?

A Correct.

Q Did I courteously work with you and in a timely fashion complete that project for your department?

A Yes, you did.

MS. BRIGGS: Objection. Cumulative.

THE HEARING OFFICER: Overruled.

Go ahead.

Did she answer?

I didn't hear.

MR. McCANN: Yes.

THE HEARING OFFICER: Did you say --

THE WITNESS: Yes.

THE HEARING OFFICER: Okay.

MR. McCANN: Nothing further.

MS. BRIGGS: Nothing further?

I didn't hear you.

- - -

By Ms. Briggs:

Q Do you have any personal knowledge of events that occurred between Mr. McCann and his Supervisors earlier this year?

A No.

MS. BRIGGS: No further questions.

- - -

CHRISTINA PIERCY

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you please state your name and your position -- spell your last name, and your position with Job and Family Services?

A Christina Piercy, P-i-e-r-c-y. I'm the Secretary of the Building Operations Department at Job and Family Services.

Q Thank you so much.

And may I call you Tina?

A Yes.

Q Thank you.

Okay. It became my responsibility to work on the Access system for Job and Family Services; is that correct?

A Correct.

Q Did I communicate with you and in a timely fashion provide for all aspects of that project?

A Yes, absolutely.

MS. BRIGGS: Objection. Cumulative.

THE HEARING OFFICER: Overruled.

Are you finished, Dave?

MR. McCANN: I have one more question.
THE HEARING OFFICER: Okay.
By Mr. McCann:
Q Did I work with you and ensure the surplus disposition of old furniture?
A Yes.
MR. McCANN: Nothing further.
- - -
By Ms. Briggs:
Q Do you have any personal knowledge of events that occurred between Mr. McCann and his Supervisors earlier this year?
A None.
Q Have you ever been referred to anger management related to your employment?
A No.
Q If you were referred to anger management, would you feel it important to follow up with recommendations made?
MR. McCANN: Objection.
THE HEARING OFFICER: Overruled.
Go ahead.
A Can you repeat the question?
By Ms. Briggs:
Q Sure. If your employer referred you for anger

management, would you feel it important to follow up with recommendations made based on that referral?

A Yes.

MS. BRIGGS: Okay. Thank you.

THE HEARING OFFICER: Janis, are there more people downstairs?

MS. CORBIN: I was going to go check.

THE HEARING OFFICER: Okay.

MS. CORBIN: But a couple I had to get right from this floor, they were just waiting for me to come get them.

- - -

DECLAN S.H. LIM

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Declan, would you please state your full name, spelling your last name, and your position with Job and Family Services?

A My name is Declan S.H. Lim, L-i-m. And I work for Job and Family Services in the MIS Department.

Q Thank you, Declan. Just two questions here.

Did I courteously communicate with you regarding computers?

A Yes.

MS. BRIGGS: Objection. Cumulative.

THE HEARING OFFICER: Overruled.

By Mr. McCann:

Q And when there were a plethora of computers that had to be donated, did I work with you and ensure in a timely fashion that they were disposed?

A Yes.

MR. McCANN: Nothing further.

- - -

By Ms. Briggs:

Q Do you have any personal knowledge of events that

occurred between Mr. McCann and his Supervisors earlier this year?

A No.

Q Have you ever been referred to anger management related to your employment?

A No.

Q Okay. If your employer referred you to anger management, would you feel it important to follow up with the recommendations made based on that referral?

MR. McCANN: Objection.

THE HEARING OFFICER: Overruled.

Go ahead.

A Can you say that again, please?

By Ms. Briggs:

Q Sure. If your employer referred you for anger management, would you feel it important to follow up with recommendations made based on that referral?

A Yes.

MS. BRIGGS: Thank you. Nothing further.

THE HEARING OFFICER: That's it. Thank you.

- - -

PATRICIA SNYDER

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Pat, will you please state your full name, spelling your last name, and your position with Job and Family Services?

A Patricia Snyder, S-n-y-d-e-r. My position is Building Maintenance Manager.

Q My association with Job and Family Services began in 2001 with the then Fiscal Office or Jack Hogan.

Did I courteously work with you as we were making the rounds for office furniture at that time?

A Yes.

MS. BRIGGS: Objection. Cumulative.

THE HEARING OFFICER: Overruled.

By Mr. McCann:

Q Did I courteously work and ensure in a timely fashion that the bid specifications, the mandatory bidders' meeting and the follow-up for the Access system required for Job and Family Services was completed?

MS. BRIGGS: Objection. Cumulative.

THE HEARING OFFICER: Overruled.

A Yes.
By Mr. McCann:
Q Did I work with you courteously and ensure the timely surplus disposition of old furniture?
A Yes.
MR. McCANN: Nothing further.
- - -
By Ms. Briggs:
Q Do you have any personal knowledge of events that occurred between Mr. McCann and his Supervisors earlier this year?
A No.
Q Have you ever been referred to anger management by your employer?
A No.
Q If you were referred to anger management, would you feel it important to follow up with the recommendations made based on that referral?
MR. McCANN: Objection.
THE HEARING OFFICER: Overruled.
Go ahead.
A Yes.
MS. BRIGGS: Thank you. Nothing further.
THE HEARING OFFICER: Janis, is that it?
MS. CORBIN: There's about four -- three

more up here, and then I was going to go check and see if anyone else has come in.

THE HEARING OFFICER: Who are the four Witnesses on this floor that are being called?

MS. CORBIN: Well, not just on this floor. One is still out here waiting. Steve Zimmerman is waiting. And then Kristen Fullerton and Vicki Reedy from up here on this floor. Oh, and Jennifer Beam are the four that are already here waiting up here on this floor.

THE HEARING OFFICER: Hold on.

Who does Steve Zimmerman work for?

MS. BRIGGS: Job and Family.

THE HEARING OFFICER: Are your questions for Steve Zimmerman any different than the projects you've worked on with him, did you do a good job and were you courteous?

MR. McCANN: His position is different from the others that have come in. He is in a management position. And it goes to the heart, again, of my ability to communicate with management.

THE HEARING OFFICER: But we've established you've communicated with everyone

in Job and Family Services that you had to courteously.

MR. McCANN: These were not Managers, though.

THE HEARING OFFICER: Well, you can't have it both ways, Dave. You can't say, "I need Managers to come in because then it will show how I communicate with management," and then call other people in and say, "That's how I communicate with other people."

MR. McCANN: According to the anger management referral, I did not communicate with Managers and employees.

THE HEARING OFFICER: We've established -- you have established that you were courteous and you can communicate. You've marched 30-some people through here to say that.

MR. McCANN: But the projects -- work performance is essential to this.

THE HEARING OFFICER: Perhaps. But --

MR. McCANN: Perhaps?

THE HEARING OFFICER: But I think -- perhaps. I think we've established that by all the other Witnesses that you brought.

MR. McCANN: What have we established in

terms of my work performance?

THE HEARING OFFICER: That you have been able to communicate courteously to every person that you've brought through.

MR. McCANN: What does that have to do with work performance?

THE HEARING OFFICER: I'm not sure, Dave. You're the one asking the questions.

MR. McCANN: I am. And if you will continue, I say, "Do I complete your projects in a timely fashion," "Do I courteously communicate the progress of these and complete" --

THE HEARING OFFICER: You've certainly established that in the Department of Job and Family Services.

MR. McCANN: Not from a managerial standpoint.

THE HEARING OFFICER: Well, you can't have it both ways, Dave. That's my point.

MR. McCANN: Why not?

THE HEARING OFFICER: You can't call all the people who aren't Managers in and ask them the question, and then call all the Managers in and ask them the question. You need to

pare it down.

MR. McCANN: Well, I'm sorry, I'm out of a job. It goes central to what -- the lies that have been told about me in terms of my job performance and my inability to communicate with employees and management. Somebody has to step up to the plate and say, "Yes, Dave McCann courteously and in a timely fashion completed these projects."

THE HEARING OFFICER: Which they have.

However, you have not testified, and neither have you called your Supervisors to testify about your work performance.

MR. McCANN: Shall I provide a statement regarding that?

THE HEARING OFFICER: Well, if it's sworn.

MR. McCANN: I'll be happy to do that right now.

THE HEARING OFFICER: Well, I don't want it right now.

MR. McCANN: Okay.

THE HEARING OFFICER: Just call Steve Zimmerman.

(Discussion had off record.)

THE HEARING OFFICER: I'm noting Dave's

continuing objection to Kasie's question regarding the employee's willingness to follow through with the recommendation of the EAP if the employee was so referred.

I also note Kasie's continuing objection to all these Witnesses being cumulative.

Thank you.

- - -

STEPHEN ZIMMERMAN

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Would you please state your name and spell your last name, please?

A My name is Stephen Zimmerman, that's with an S-t-e-p-h-e-n, Z-i-m-m-e-r-m-a-n.

Q And your position with the County?

A I'm Deputy Director of Administrative Services for the Department of Job and Family Services.

Q Okay. Thank you.

You're a retired Naval Officer; is that correct?

A That's correct.

Q Okay. My question deals with the Access system that -- the Access system program that I worked with you on.

Was it completed in a timely fashion?

A Well, there were some coordination issues that were required between the Fiscal Office and our office because we were both using the same system.

But, yes, given all of the interfaces that were required, I thought it was done fairly timely.

MR. McCANN: I have nothing further.

- - -

By Ms. Briggs:

Q Do you have any personal knowledge of the events that occurred between Mr. McCann and his Supervisors earlier this year?

A No.

Q Okay. Have you ever been referred for anger management by your employer?

A No.

Q If you were referred to anger management by your employer, would you feel it important to follow up with recommendations made based on that referral?

A Yes, I think so.

MS. BRIGGS: Okay. Thank you. I have nothing further.

MR. McCANN: Thank you, Steve.

THE WITNESS: Thank you.

- - -

JENNIFER BHEAM

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Jennifer, would you please state your name, spelling your last name, and your position with the Prosecutor's Office, please?

A Yes. Jennifer Bheam, it's B-h-e-a-m. I'm the Director of Administration.

Q Thank you. A number of questions here.

At the beginning of the year, did I courteously communicate with you on all facts of inventory disposition?

A Yes.

Q And more recently did I personally deliver a rather heavy, four-drawer file cabinet to your facility?

A Yes.

Q Did I also ensure that if there was inventory available, that you were alerted and that proper locations were found for the restoration of such equipment?

A Yes.

Q There was a particular problem at the beginning of the year that dealt with computer surplus. And I

tried to communicate with you.

Did you ultimately have to go to the Prosecutor in order to get it finalized between Brian Nelson and your office?

A I don't recall the exact details. But I know -- I know we did have to go to Brian to ask him for executive orders to say exactly where they were going to be donated, yes.

Q And the Prosecutor ultimately had to get involved by writing a memorandum?

A I can't remember if it came from the Prosecutor or Ed Hershberger, the Director of Administration. It did come from one of them, I just can't remember which one.

Q That's fine.

MR. McCANN: No further questions.

- - -

By Ms. Briggs:

Q Jennifer, do you have any personal knowledge of events that occurred between Mr. McCann and his Supervisors earlier this year?

A No.

MS. BRIGGS: I have nothing further.

MR. McCANN: Thank you, Jennifer.

- - -

WILLIAM SCHINDEWOLF

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Bill, will you please state your full name, spelling your last name, and your position with the Fiscal Office?

A William Schindewolf, S-c-h-i-n-d-e-w-o-l-f. And I am Systems Software Analyst 2.

Q Thank you, Bill. Just a couple questions.

Was I stickler to ensure all computers had proper licenses from Microsoft and Adobe and other software systems as needed?

A Yes, sir, you were.

Q Did I courteously communicate my progress in getting software licenses for the systems you were working on?

A Always.

Q Were you satisfied with the license record system I maintained?

A Yes, sir.

MR. McCANN: Nothing further.

THE HEARING OFFICER: Wait. Wait.

- - -

By Ms. Briggs:

Q Do you have any personal knowledge of events that occurred between Mr. McCann and his Supervisors earlier this year?

A Not specifics, no.

MS. BRIGGS: Nothing further.

THE HEARING OFFICER: Thank you.

- - -

KRISTEN FULLERTON

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q Kristen, if you will, please state your name, spelling your last name, and telling us the position you hold with the County Executive's Office?

A Kristen Fullerton, F-u-l-l-e-r-t-o-n, Executive Assistant.

Q Thank you.

First question, did I communicate courteously with you and ensure the timely processing of all aspects of disposal of inventory?

A Yes.

Q Did I provide prompt and courteous service for the preparation of RFPs for Waste Management and Veterinary Services and include their timely mailing to various sources?

A Yes, you did.

Q Does that also include the live plant management?

A Yes.

MR. McCANN: Nothing further.

- - -

By Ms. Briggs:
Q Kristen, do you have any personal knowledge of events that occurred between Mr. McCann and his Supervisors earlier this year?
A Personal, no.
Q Okay. Have you ever been referred to anger management by your employer?
A No.
Q If you were referred to anger management by your employer, would you find it important to follow up with recommendations made based on that referral?
A Probably, yes.

MS. BRIGGS: Okay. Thank you. That's all.

MS. CORBIN: That was all that was for this afternoon.

THE HEARING OFFICER: Okay. We'll reconvene Wednesday at nine a.m.

MS. BRIGGS: Okay. Can I just, while we're here, deal with one issue, the fact that I received a Subpoena?

THE HEARING OFFICER: Okay.

MS. BRIGGS: And I'm objecting to it, I guess, on the basis that I'm representing the County in this matter, and based on the fact

that we've already had testimony from someone in the Law Department regarding Mr. McCann's work.

MR. McCANN: There is one question that I wanted to ask the Counselor that doesn't relate to work-related issues at all. And it's one that she could answer right now if she wanted to. And if she doesn't wish to answer, that's fine by me. But it has nothing to do with work-related issues.

And if you would like to see the question, I'd be happy to provide it. And if you think it's appropriate, that's fine.

THE HEARING OFFICER: That would be great. We'll try that.

MR. McCANN: May I go on the record in stating what it is?

THE HEARING OFFICER: Sure.

MR. McCANN: My question for Counselor Briggs deals with the ABA Model Code of Professional Responsibility Section DR7-102, representing a client within the bounds of law.

THE HEARING OFFICER: Yeah, we'll have you answer the question. She'll swear you in.

KASIE L. BRIGGS

of lawful age, a Witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

By Mr. McCann:

Q My one question is -- and this again comes from the ABA Model Code of Professional Responsibility Section DR7-102, representing a client within the bounds of the law. And you just have to answer yes or no to the following.

It reads as follows, Note 44: "Under any standard of proper ethical conduct an Attorney should not sit by silently and permit his client to commit what may have been perjury and which certainly would mislead the court and opposing party on a matter vital to the issue under consideration."

Do you subscribe to that?

A Yes.

MR. McCANN: Nothing further.

MS. CORBIN: I was going to say, before we say we're resuming on the 12th, there are Witnesses that still cannot be here on the 12th, I just wanted to make you aware of that, that are on vacation all of this week.

THE HEARING OFFICER: Do you know who

those are?

MS. CORBIN: Diane Wheatley.

THE HEARING OFFICER: From?

MS. CORBIN: Department of Development.

Ken Telleis from Domestic Relations Court. Three employees of County Council. David Hannan, Charlie Greer and Councilman Konstandaras were off all week. I believe those are the only ones that are off all week.

The other ones will -- could not make it today. Some could not make it today. They will be back on the 12th.

Oh, Connie Vargo will not be back on the 12th, of the Fiscal Office.

So I just wanted to make you aware that when we reconvene on Wednesday, the 12th, that will not be the end of the Subpoenas.

THE HEARING OFFICER: Okay. We'll come back at 9:00 on Wednesday then.

MR. McCANN: One final question as it relates to the two Witnesses that are scheduled to appear on Wednesday, Mr. Blevins and Ms. Hershfield.

You mentioned this morning the fact that

you are now combining the two issues; is that correct?

I would like to have the opportunity to have a prepared statement as it relates to my 30-day unpaid termination before we begin on Wednesday.

THE HEARING OFFICER: You want to provide testimony yourself?

MR. McCANN: Yes. Uh-huh.

THE HEARING OFFICER: Okay. Then Kasie has the right to cross-examine you.

MR. McCANN: That's fine.

THE HEARING OFFICER: Okay.

MR. McCANN: Thank you.

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(Proceedings adjourned at 1:55 o'clock, p.m.)

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C E R T I F I C A T E

STATE OF OHIO,)
)SS:
SUMMIT COUNTY.)

I, Joyce L. Zingale, a Notary Public, certify that I attended the foregoing Proceedings in their entirety, and that I wrote the same in stenotype, and that this is a true and correct transcript of my Stenotype notes.

_____
Joyce L. Zingale, Notary Public
in and for the State of Ohio.

My commission expires November 19, 2010.

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